

## HOUSING DEPARTMENT

## CORRIGENDUM

The 17th December, 1976

In Haryana Government, Housing Department Notification No. 4035-HG-76/36795, dated the 8th November, 1976 published in Haryana Government Gazette, dated the 16th November, 1976, against serial No. 3 regarding integrated Housing Scheme, Gurgaon, Phase I, under the Col. 'No. of units', for the words and figures "E. W. S.—60" read "E. W. S.—61."

B. S. OSHA,  
Commissioner, and Secy.

## AGRICULTURE DEPARTMENT

The 17th December, 1976

No. 7772-Agr. I(IV)-76/25941.—The Governor of Haryana is pleased to reconstitute a Committee captioned the Technical Advisory Committee under the "Soil and Water Management Pilot Project in the Western Yamuna Canal Command Area (Haryana) in the State consisting of the following members :—

- |                                                                                        |                     |
|----------------------------------------------------------------------------------------|---------------------|
| 1. Dr. J. S. P. Yadav (ICAR), Karnal                                                   | .. Chairman         |
| 2. Deputy Director of Agriculture (IADP), Karnal                                       | .. Member           |
| 3. Divisional Soil Conservation Officer, Karnal                                        | .. Member           |
| 4. Project Officer, Soil and Water Management in the western Yamuna Canal Command Area | .. Member-Secretary |

2. The function of the committee will be to render technical advice and review the implementation of the programme.

3. The headquarter of the committee will be at Karnal and its meetings will be held at least once a month. The life of the Committee will be up to 28th February, 1977.

4. The members will draw their TA/DA as per rules from the respective Department.

SUKHDEV PRASAD, Secy.

## LABOUR AND EMPLOYMENT DEPARTMENT

The 14th December, 1976

No. 11552-7 Lab-76/34186.—In exercise of powers conferred by sub-section Act, 1952, the (i) of section 13 of the Employees' Provident Fund and Misc. Act, 1952, the Governor of Haryana is pleased to appoint Sh. K. C. Sharma to be Inspector for whole of the State of Haryana, for the purposes of the said Act and the three schemes framed there under, viz the Employees' Provident Fund Scheme, 1952, the Employees Family Pension Scheme, 1971 and Employees' Deposit Linked Insurance Scheme 1976 in relation to establishment other than those belonging to or under the control of the Central Government, or in relation to any establishment connected with a railway company, a major port, a mine or an oil field or a controlled industry or in relation to an establishment having departments or branches in more than one State.

P. P. CAPRIHAN,  
Commissioner and Secy.

## LABOUR DEPARTMENT

The 7th December, 1976

No. 10318-4Lab-76/33591.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Artee Minerals (P) Ltd., 15/7, Main Mathura Road, Faridabad :—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 120 of 1973

between

THE WORKMEN AND THE MANAGEMENT OF M/S ARTEE MINERALS (P) LTD.,  
15/7, MAIN MATHURA ROAD, FARIDABAD.

## AWARD

By order No. ID/FD/73/31413, dated 2nd July, 1973, the Governor of Haryana, referred the following dispute between the management of M/s Artee Minerals (P) Ltd., 15/7, Main Mathura Road, Faridabad, and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the management should pay bonus to the workmen for the years 1971-72 and 1972-73 under the Payment of Bonus Act, 1965 ? If so, what should be its quantum ?

The parties put in their appearance in this Tribunal in response to the usual notices of the reference sent to them and filed their pleadings giving rise to the following issues framed,—*vide* my order dated 24th May, 1974.

- (1) Whether the demand, the subject matter of the present reference, was first raised on the management and rejected by it before taking up the matter for conciliation? If not, with what effect? (on workman)
- (2) Whether the present establishment is exempted from the payment of bonus to its workmen on account of its being in a state of infancy?
- (3) Whether the reference is bad in law for reasons given in para No. 3 of the preliminary objections in the written statement?
- (4) Whether the management should pay bonus to the workmen for the years 1971-72 and 1972-73 under the Payment of Bonus Act, 1965? If so, what should be its quantum?

The case was fixed for recording evidence of the workmen on 13th July, 1976 when on a request made by them through their authorised representative Shri Adarsh Kishore present before me, the case was adjourned to 26th August, 1976 for recording their evidence conditional on payment by them of Rs. 15 as costs to the opposite parties. It is however, interesting to note that none of the workmen or even Shri Adarsh Kishore representing them in this reference appeared on 26th August, 1976 despite being directed to do so with the result that *ex parte* proceedings were taken up against the workmen and the management was directed to adduce their *ex parte* evidence.

Shri Jugal Kishore Bhartia, one of the partners of the management concern made his own statement in *ex parte* evidence and deposed that the factory being run by them began manufacturing the products for the first time in the year 1968. He actually tendered in evidence the balance sheet and the profit and loss account Ex. M-1 of their concern of the year 1968 bearing a certificate by the Chartered Accountant (Auditor) that this was the first year of the company. He further gave out that the management always incurred loss during the years 1968 to 1972. He in order to support this part of the statement brought on record the balance sheet of the year 1972 Ex. M-2 duly signed by the Chartered Accountant (Auditor) showing a loss of Rs. 2,67,798 to the management during these years.

I see no reason to disbelieve the statement of Shri Jugal Kishore Bhartia one of the partners of the management concerned particularly when it is found corroborated by the documentary evidence and the proceedings against the workmen are *ex parte* and none of them has taken care to pursue the demand raised by the workmen on the management leading to this reference despite two opportunities being given to the workmen, so much so, the costs awarded to the management,—*vide* my order dated 13th July, 1976 remained unpaid. The management having been proved to have started the manufacture of their products for the first time in the year 1968,—*vide* the statement of Shri Bhartia and the balance sheet and the profit and loss account Ex. M-1 they are exempt from payment of even the minimum bonus at the rate of Rs. 4 per cent of the annual wages of each workman, under section 16(i)(a) of the Payment of Bonus Act, providing for such an exception in case they did not make any profit. I, therefore, relying on the *ex parte* statement of Shri Jugal Kishore Bhartia decide issue No. 2 in favour of the management.

In absence of any evidence on record on behalf of the workmen in support of issue Nos. 1 and 4 and the proceedings against them being *ex parte*, the same are decided against the workmen. The management did not press the plea covered by issue No. 3 that the reference was bad in law on account of their financial year being the calendar year and the order of reference being mentioned as the financial year. I thus decide this issue against the management.

It would appear in view of my findings made on the aforesaid issues that the workmen are not entitled to any relief. I hold accordingly and answer the reference while returning the award in these terms.

Dated the 23rd September, 1976.

MOHAN LAL JAIN,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 1086, dated the 28th September, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated, the 20th September, 1976.

MOHAN LAL JAIN,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.